IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 944 OF 2007

ANOOOP SWAMIJI JAGATHIT ..APPELLANT

V/S

SHRI SAU TIPUBHAI RATANCHAND

JAIN ..RESPONDENTS

P.N. KARLEKAR FOR APPELLANT.

J.M. D'SILVA FOR RESPONDENTS.

CORAM : S.K. SHAH, J.

DATE : 14TH MARCH 2007.

P.C.

. Learned counsel for the Appellant seeks to withdraw the Appeal with liberty to file it before the Charity Commissioner. The Appeal is allowed to be withdrawn with liberty as sought. Appeal is dismissed as withdrawn. It is clarified that as regards the issue of maintainability to file such an Appeal is kept open.

(S.K. SHAH, J.)